

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JABRIEL WILLIAMS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Case No. CIV-19-640-G

ORDER

On August 29, 2019, the Court issued an Order adopting the Report and Recommendation of United States Magistrate Judge Bernard M. Jones (Doc. No. 5). In accordance with *Castro v. United States*, 540 U.S. 375 (2003), the Court advised Petitioner that it intended to recharacterize his 28 U.S.C § 2241 petition as a § 2255 motion, advised Petitioner of the potential consequences of recharacterization, and provided Petitioner the opportunity to withdraw his Petition prior to such recharacterization.

In response, Petitioner submitted a letter on September 9, 2019, in which he states, “Disregard my 2241.” Doc. No. 6, at 1. The Court construes Petitioner’s submission as a notice of voluntary dismissal under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 41(a)(1)(A)(i), 81(a)(4). Because Petitioner has voluntarily dismissed his § 2241 Petition within the time prescribed in the Court’s August 29, 2019 Order, the Court will not recharacterize the Petition as arising under § 2255. This action is deemed dismissed without prejudice effective September 9, 2019. *See* Fed. R. Civ. P. 41(a)(1)(B).

IT IS SO ORDERED this 19th day of September, 2019.



CHARLES B. GOODWIN
United States District Judge